

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

**In re:**

**Case No. 17-30912**

**Kelly Denise Hensley**

**Chapter 7**

**Debtor**

**Judge LAWRENCE S. WALTER**

**OBJECTION OF CHAPTER 7 TRUSTEE TO MOTION OF FIRST GUARANTY  
MORTGAGE CORPORATION FOR RELIEF FROM STAY (PROPERTY  
ADDRESS: 8009 VOLK DRIVE, DAYTON, OHIO 45415)**

Now comes Trustee Paul H. Spaeth (“the Trustee”) and hereby objects to the Motion of First Guaranty Mortgage Corporation for Relief from Stay (Doc. 15)(“the Motion”) filed by Movant First Guaranty Mortgage Corporation(“Movant”) with respect to real estate 8009 Volk Drive, Dayton, Ohio. In support of this Objection, the Trustee states the following:

1. This case was filed under Chapter 7 on March 23, 2017. Paul H. Spaeth is the duly appointed and acting Trustee herein. The meeting of creditors was held on May 17, 2017.
2. Movant filed the Motion seeking relief from the automatic stay with respect to real estate at 8009 Volk Drive, Dayton, Ohio 45415 (“the Real Estate”).
3. On May 24, 2017, the Trustee filed a Chapter 7 Trustee’s Application to Retain BK Global Real Estate Services and Tracey Bitonti, Irongate Inc. Realtors to Procure Consented Public Sale Pursuant to 11 U.S.C. §§327, 328 and 330 (“the Trustee’s Application”). As set forth in the Trustee’s Application, the Trustee is seeking authority to retain BK Global Real Estate Services and Tracey Bitonti, Irongate Inc. Realtors for the purpose of attempting to negotiate with Movant, the holder of a mortgage with respect to the Real Estate, for a sale, with the consent of such mortgagee, under which the Trustee would sell the Real Estate, subject to an

agreed upon carve out for the benefit of unsecured creditors. Such a sale is likely to save the mortgagee time and expense and would benefit the estate by providing a dividend to unsecured creditors.

4. According to Schedule A, Debtor lists a value for the Real Estate of \$97,690.00. According to the Motion, the amount due and owing on the mortgage held by Movant is \$91,253.00 plus interest at a rate of 3.250% from December 1, 2016.

5. The estate will benefit from an attempted consented sale by the Trustee and he seeks approval of a period of six (6) months to market and sell the property.

Accordingly, the Trustee respectfully requests that the Court deny the Motion for the reasons set forth above.

Respectfully submitted,

/s/Paul H. Spaeth  
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Trustee

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objection of Chapter 7 Trustee to Motion of First Guaranty Mortgage Corporation for Relief from Stay was served **electronically** through the Court's ECF system on all ECF participants registered in this case at the email addresses registered with the Court and by **ordinary U.S. mail** on May 24, 2017 addressed to the following:

First Guaranty Mortgage Corporation  
c/o Edward A. Bailey, Esq.  
c/o Cynthia A. Jeffrey, Esq.  
Reimer Law Co.  
30455 Solon Rd.  
Solon, Ohio 44139

Roundpoint Mortgage  
5032 Parkway Plaza Blvd.  
Charlotte, NC 28217

Valerie Smith  
c/o PRA Receivables Management LLC  
PO Box 23541  
Norfolk, VA 23541

/s/Paul H. Spaeth  
Paul H. Spaeth